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EXAMINER

RAPILLO, KRISTINE K

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

1. In regard to claim 1, the Applicant argues that McCallum and Wiggins, taken individually or in combination, do not teach or suggest at least an apparatus comprising a processor configured to: (A) create at least one summary associated with the one or more data points are associated with a time period and; (B) reduce the information in the at least one of the insurance claims of the summary in response to a respective time period elapsing. The Examiner respectfully disagrees.

In regard to the limitation "create at least one summary associated with the one or more data points are associated with a time period", the Examiner submits that Wiggins discloses a transaction activity summary describing the claims processed, including statistics, the number of claims submitted per payer, and the date and time the claim was processed (Wiggins: paragraph [0081]); because "expired data points" is a design choice, the data points (interpreted as claims) remain the same only re-labeled "expired".

With regard to the limitation "wherein each of the expired data points are associated with a time point", the Examiner submits that Wiggins discloses a method and system in which a claim status report is prepared for all claims (data points) previously filed, as well as all claims accepted for processing (the Examiner interprets this to be current or in process claims or data points) (Wiggins: paragraph [0039]). Thus a report is prepared which would include both current and expired data points.

With regard to the limitation "reduce the information in at least one of the insurance claims in response to a respective time period elapsing", the Examiner submits that Wiggins discloses a method and system in which adjudicated claims and responses are compressed (or reduced) (Wiggins: paragraph [0055]); Because adjudicated claims are settled (determination of payment has been made), a claim can be considered complete. Thus, it would be obvious to reduce the information regarding insurance claims into a summary to include all processed claims including claims occurring over specific time periods.

The Examiner respectfully submits that the McCallum reference teaches a method and system in which source data is collected from a physicians' computer and converted into a common format and can include insurance data (Abstract and column 10, lines 44 – 50) and the Wiggins reference teaches a

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method and system of filing insurance claims via the internet and tracking the patient and billing information (paragraph [0013]). In addition, the key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396. An example of rationale that may support a conclusion of obviousness include: (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention See MPEP § 2143. Furthermore, if the search of the prior art and the resolution of the *Graham* factual inquiries reveal that an obviousness rejection may be made using the familiar teaching-suggestion-motivation (TSM) rationale, then such a rejection should be made. Although the Supreme Court in *KSR* cautioned against an overly rigid application of TSM, it also recognized that TSM was one of a number of valid rationales that could be used to determine obviousness. (According to the Supreme Court, establishment of the TSM approach to the question of obviousness "captured a helpful insight." 550 U.S. at ___, 82 USPQ2d at 1396 (citing *In re Bergel*, 292 F.2d 955, 956-57, 130 USPQ 206, 207-208 (1961)).

The Applicant's arguments are non-persuasive and the rejection of claim 1 is maintained.

2. In regard to claim 3, the Applicant argues that the combination of McCallum and Wiggins is deficient in the same manner as independent claims 1 and 12, and Pish does not make up for the deficiencies of McCallum and Wiggins, and is not cited as such. The response to the Applicants argument in regard to the deficiency in McCallum and Wiggins is discussed in the rejection of claim 1 above.

The Applicant's arguments are non-persuasive and the rejection of claim 3 is maintained.

